

REMARKS

Claims 1-20 and 49-75 are pending in the present application. Claims 21-48 and 76-100 are cancelled without prejudice or disclaimer of the subject matter recited therein. The right to file a divisional application directed to the cancelled claims 21-48 and 76-100 is acknowledged. Group I is elected with traverse.

The restriction requirement with respect to Groups I and III is traversed for the reason that a prima facie case for restriction has not been established. In this connection, evidence is presented below to show that:

- (1) the classification is the same
- (2) the field of search is the same, and
- (3) there is no clear indication of separate future classification and field of search.

In that regard, it is noted that the Examiner has indicated at Page 2 lines 1-7, that both Groups I and III have the same classification, that being in class 29, subclass 825. The following statement at Page 2 lines 16-18 that the inventions "have acquired a separate status in the art as shown by their different classification" is traversed. There is no evidence provided by the Office Action of such a separate classification.

Further, it is submitted that the field of search of Groups I and III is the same for at least the following reasons:

- (1) Each of the independent claims of Group I and III are directed to a method of making a biosensor.
- (2) Each of the independent claims of Group I and III recites the step of providing an electrically conductive material on a base.
- (3) Each of the independent claims of Group I and III recites forming electrode patterns.

As such, the claims of Groups I and II are related and would necessitate the same field of search. Finally, there is no clear indication of separate future classification and field of search.

Therefore, it is submitted that insufficient explanation was provided as to why the inventions must be restricted on the basis of (a) separate classification (b) status in the art, or (c) a different field of search. As such, the Action fails to establish a prima facie case for restricting the claims of Groups I and III of the application.

Withdrawal of the restriction requirement as it relates to Groups I and III leading to allowance of the claims is respectfully requested.

It is respectfully requested that, if necessary, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and all fees be charged to Deposit Account No. 02-2958 with reference to (BMID 9958 CIP US).

Respectfully submitted,
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Date

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